

#### D. DEPARTMENT OF HOMELAND SECURITY

	FY 2005 <sup>1</sup>	FY 2005 <sup>2</sup>	FY 2006 <sup>3</sup>	FY 2006 <sup>4</sup>	FY 2007 <sup>5</sup>
DHS	Requested	Final	Requested	Enacted	Request
AGENCY TOTAL* .....	\$2,519.4	\$2,662.4	\$2,936.9	\$3,059.9	\$3,304.6

\* in millions

**Contact Information:** DHS Office of Public Affairs: 202–282–8000, <http://www.dhs.gov/dhspublic/>.

The committee supports the President’s request for \$3.3 billion for counterdrug activities at the Department of Homeland Security (DHS), which is a slight increase over the \$3.06 billion enacted in fiscal year 2006. That support, however, is conditioned on the expectation that such funds will actually be used for counterdrug purposes. As discussed elsewhere, most of these funds are not actually designated for counterdrug purposes; instead they are merely estimates of how much time and how many resources the three main interdiction agencies at DHS—Coast Guard, Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP)—will spend on counterdrug activities.

To ensure that those estimates turn into reality, DHS must fulfill its responsibilities to the counterdrug mission. That will require not only commitment by the leadership of DHS but also diligent oversight by the Office of Counternarcotics Enforcement (CNE) and ONDCP.

##### *1. Reorganization*

When Congress created DHS in 2002, it established an Undersecretary for Border and Transportation Security (BTS) Directorate. The Directorate was assigned the legacy agencies of the U.S. Customs Service (USC S), the Immigration and Naturalization Service (INS), the Transportation Security Administration (TSA), the port of entry inspector of the Department of Agriculture, the Federal Air Marshals Service (FAMS), and the Federal Protective Service.

The newly created organization, once implemented, did not bring forth the improvements intended. Far from providing effective coordination and oversight, BTS served simply as a policy office with little or no operational functions, adding another layer of unnecessary bureaucracy.

Recognizing the mistake, DHS announced the results of a “Second Stage Review” (2SR) in July 2005 which realigned the Department to increase its ability to prepare, prevent, and respond to terrorist attacks and others emergencies.<sup>6</sup> These changes were in-tended to better integrate the Department and its employees to improve the performance of their mission. The 2SR plan included the formation of a Directorate of Policy to serve as the primary Department-wide coordinator for policy, regulations and other initiatives. The new policy office assumed the functions previously performed by BTS.

The committee believes that DHS’ 2SR reorganization may not have gone far enough, and may need to be revisited. The Department must address the problems created by the arbitrary and increasingly unworkable divisions which still exist within DHS between the

bureaus of Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE). As former CBP Commissioner Robert Bonner said, separating ICE and CBP was like separating the cops “on the beat” from their detectives.<sup>7</sup> And even more importantly, the division means that neither ICE nor CBP, nor any other Federal agency, has a border security strategy for inside and beyond the border—not just at the land border.

The Department’s own Inspector General has issued a report calling for ICE and CBP to be put back together.<sup>8</sup> The committee believes that until the current organizational structure is remedied, DHS will continue to operate with great inefficiencies. Such inefficiencies are exemplified by the breakdowns in; 1) coordination between apprehension, detention and removal efforts; 2) coordination between interdiction and investigative efforts; and 3) coordination of intelligence activities.

## *2. Congressional Responsiveness*

The committee is very concerned about the apparent lack of responsiveness on the part of DHS in providing information to Congress in a timely fashion. DHS has a legal responsibility to use due diligence in promptly responding to the legitimate information requests of Congress. Specifically, when DHS makes “major” media announcements such as the 2SR event or the recent Secure Border Initiative (SBI), there is frequently no plan behind the media event. These media events should be clearly premised by distinctively articulated and communicated plans, with specific details, so that Congress can fully understand how and where the Department intends to achieve its advertised goals. The committee believes that DHS needs to provide more strategic, internal management documents instead of just generalizations tailored for public relations events.

Additionally, the committee is disappointed to report that certain elements of the newly created DHS bureaucracy have already distinguished themselves as major obstacles to congressional oversight. Leading this list is DHS’ Customs and Border Protection program. The frequent and consistent lack of responsiveness to congressional correspondence by this program is cause for great concern and heightened scrutiny.

The apparent lack of strategic planning, coordination and communication demonstrated as CBP reorganized its Air program has grave implications. CBP Air’s P-3 airplanes provide essential maritime patrol aircraft (MPA) and are crucial to the Department’s and the nation’s efforts against drug trafficking in the “transit zone.”<sup>9</sup> They also perform other vital homeland security missions, such as providing airspace security. For these reasons, the committee is concerned about the nature of the Department’s commitment to maintain the current level of operation of each of the sixteen P-3s.<sup>10</sup>

Equally disturbing is the disregard CBP has for briefing relevant congressional committees. The Government Reform Committee’s Subcommittee on Criminal Justice, Drug Policy, and Human Resources has submitted frequent requests for information regarding CBP Air strategic and recapitalization plans, and only after frequent reminders has the Department responded.<sup>11</sup> The committee strongly recommends that DHS renew efforts to properly update congressional offices on relevant issues and developments. In addi-

tion, specifically in reference to CBP, DHS needs to reestablish control of an apparently troubled operation.

### 3. Office of Counternarcotics Enforcement (CNE)

When Congress created DHS in 2002, it combined some of the most important anti-drug trafficking agencies in the Federal Government. To assist DHS in meeting its vital counterdrug responsibilities, Congress originally created the Counternarcotics Officer (CNO) position. The original law did not clearly define how the CNO was to fulfill those duties, nor did it give the CNO adequate status or resources to carry out what Congress had envisioned. In order to correct these problems, Congress passed legislation in 2004 that replaced the CNO with a new Office of Counternarcotics Enforcement, headed by a Director nominated by the President and confirmed by the Senate.<sup>12</sup> The law authorized up to \$6 million of the Department's management funds for a dedicated budget for the new Office.

The committee fully supports the administration's proposed appropriation of \$2.8 million for the CNE program in fiscal year 2007, but is disappointed that there was no specific line item in the budget request.<sup>13</sup> The additional funding is viewed as a positive indication that drug control remains a priority within DHS. However, the committee recommends that Congress specifically designate a line item for the Office of Counternarcotics Enforcement in DHS appropriations legislation. Adequate and specific funding will allow DHS CNE to hire sufficient staff for the Office and provide critical internal oversight for the Department's counternarcotics efforts.

### 4. United States Coast Guard

U.S. Coast Guard Drug Control Funding

USCG Drug Control Funding	FY 2005 <sup>14</sup> Requested	FY 2005 <sup>15</sup> Final	FY 2006 <sup>16</sup> Requested	FY 2006 <sup>17</sup> Enacted	FY 2007 <sup>18</sup> Request
AGENCY TOTAL*	\$822.3	\$871.9	\$972.7	\$1,032.4	\$1,030.1

\* in millions.

**Contact Information:** Coast Guard Office of Public Affairs: 202–267–1587, <http://www.uscg.mil/USCG.shtm>.

The President's budget proposal includes \$8.4 billion for the U.S. Coast Guard, of which \$1.03 billion is estimated to be used for drug control. Like other DHS agencies, the Coast Guard does not have a specific appropriation for drug interdiction activities. The committee conditionally supports this year's proposal which is approximately the same amount as provided for drug control in fiscal year 2006. The committee believes the administration's proposal to "flat line" the Coast Guard budget may have a leveling effect on the Coast Guard's drug interdiction removal rate and prevent the service from achieving the administration's established performance standards in the upcoming year.<sup>19</sup>

As highlighted by its response to Hurricane Katrina in August and September of 2005, the Coast Guard has continued to struggle to

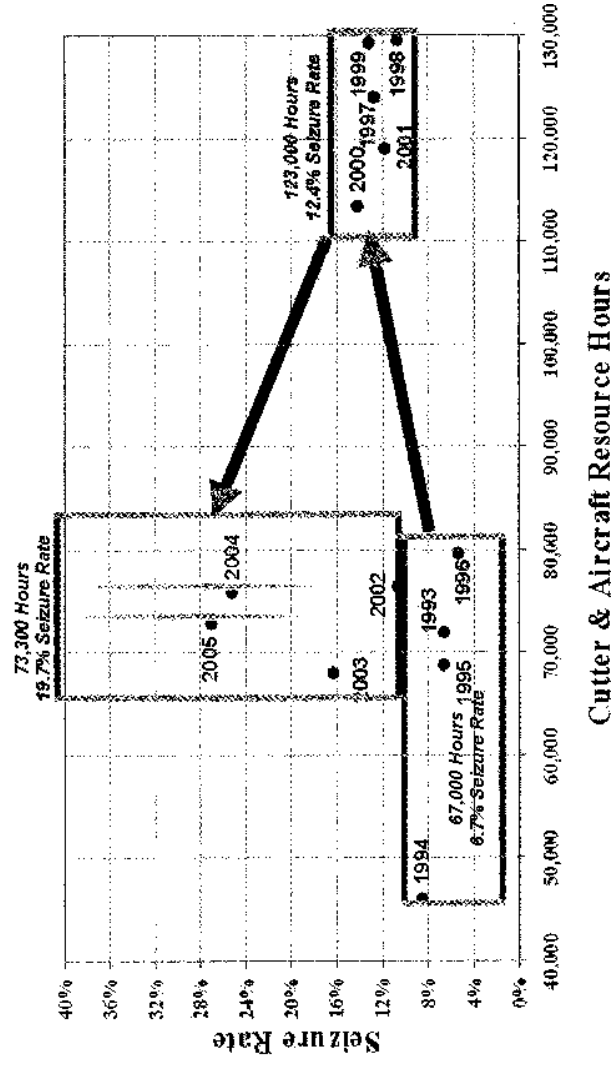
balance new missions with traditional ones as a component within DHS. Moreover, a rapidly deteriorating fleet of ships and aircraft and limited resources made proper prioritization of the manifold missions of the Coast Guard increasingly difficult.

Regarding competing mission interests, the committee also is gravely concerned with the administration's decision, highlighted in the 2007 proposed budget, to tap the Coast Guard to assume the airborne security mission within the National Capitol Region (NCR) surrounding Washington, DC.<sup>20</sup> The administration's proposed budget includes \$62.4 million for the Coast Guard to establish a permanent National Capital Region Air Defense program.<sup>21</sup>

Specifically, the committee is very concerned about the impact of this new NCR mission on existing Coast Guard missions, and specifically, counterdrug patrols utilizing armed helicopters in the transit zone. It is not clear how the NCR airspace security mission should fall to the Coast Guard within any of the traditional or expanded DHS missions of the Coast Guard. Furthermore, no specific plan has been divulged to Congress explaining how the proposed funding (\$62.4 million) would provide the additional helicopters, personnel and equipment necessary to adequately support the new mission without significantly degrading existing mission areas, including its critical work in the maritime transit zones.

As shown in the diagram below, Coast Guard "total" resource hours devoted to counterdrug patrols since the terrorist attacks of September 11th, 2001 have steadily declined.<sup>22</sup>

# U.S. Coast Guard Effort & Results Relationship



The downward trend of Coast Guard resource hours supporting the counterdrug mission is due to new post-9/11 operational requirements, ongoing traditional missions such as search and rescue and maritime safety, and the Coast Guard's rapidly deteriorating inventory of aging cutters and aircraft.

As an example, the administration's 2007 budget proposal includes plans to decommission two veteran ships, the 61 year-old cutter STORIS and the 64 year-old cutter GENTIAN.<sup>23</sup> The STORIS, based in Kodiak, Alaska, will be replaced by the 35 year-old cutter MUNRO. Saddled with many Vietnam-era deepwater cutters, the Coast Guard is challenged to perform its important missions with aged and nearly obsolete equipment.

During fiscal years 2000 through 2004, the readiness rates of the Coast Guard's older ships and aircraft showed a general decline, although the rates fluctuated from year to year.<sup>24</sup> For example, ships used to monitor drug trafficking activities and carry the helicopters that disable and stop go-fast boats were below their target levels for time free of major deficiencies or loss of at least one primary mission. These declines are directly linked to the rapidly deteriorating mechanical readiness of its aged assets.<sup>25</sup>

The diagram above also shows an increasing seizure rate beginning in 2003, resulting from several record years of cocaine seizures. In 2005, the Coast Guard prevented a record 338,000 pounds of cocaine and more than 10,000 pounds of marijuana from reaching the U.S.<sup>26</sup> These outstanding results were due to a combination of the Coast Guard utilizing new tools such as armed "HITRON" helicopters and specialized law enforcement detachments. Equally important, the record-setting year was a result of increasing and improved inter-department and inter-agency co-operation, as well as significantly improved intelligence developed through Operation Panama Express and Joint Interagency Task Force South (JIATF-South).

The Director of JIATF-South has recently stated that there continues to be more known actionable intelligence available than there are surface and air assets available to respond.<sup>27</sup> The national drug interdiction community and the Coast Guard need more surface and air assets to respond to this growing supply of invaluable intelligence.

The Coast Guard, although hampered by its aging assets, has attempted to rise to the task. As the following statistics show, the service is now dedicating more maritime patrol aircraft (MPA) hours to drug interdiction missions since the 9/11 terrorist attacks.<sup>28</sup>

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U.S. Coast Guard Maritime Patrol Aircraft On-station Hours

Fiscal Year	Maritime Patrol Aircraft
FY 2001 <sup>29</sup>	1,889
FY 2002	997
FY 2003	1,410
FY 2004	2,721
FY 2005 <sup>30</sup>	2,780

However, the percentage of time the HC-130 maritime patrol surveillance aircraft were available to perform missions was below the target level in fiscal year 2004, and the surface radar system on the aircraft is subject to frequent failures.<sup>31</sup> In some instances, mission flight crews had to look out the windows of the aircraft for targets because the radar systems were inoperable.

The administration and the Coast Guard have developed a strategic plan to replace its legacy ships and aircraft. The committee believes the Coast Guard's Deepwater fleet modernization project is critical to U.S. transit zone drug interdictions. However, the Coast Guard needs to develop an aircraft that can effectively perform the MPA mission. Consequently, the administration and DHS need to ensure they are putting the right tools and equipment into the hands of Coast Guard men and women so that they may continue to effectively interdict drugs on the high seas and deliver the maritime safety and security America deserves.

*Program Assessment Rating*

The committee is pleased to see improvements in the Coast Guard's measures of performance, specifically regarding the drug interdiction program. As briefed by Coast Guard officials, the service has recently updated and aligned its measures with ONDCP's established goals and leveraged improvements in intelligence.<sup>32</sup> The Coast Guard now measures drug interdiction performance using a Removal Rate figure, as opposed to the previously established Seizure Rate. The new Removal Rate includes drugs seized, and also includes drugs jettisoned, destroyed, or otherwise lost at sea, and is vetted through an interagency group led by the U.S. Interdiction Coordinator's (USIC) Consolidated Counterdrug data-base (CCDB). Although there is great concern and debate regarding the overall quantity of drugs smuggled through the transit zones, the committee is pleased to see the Coast Guard's efforts to measure its drug control performance against national standards.<sup>33</sup>

## 5. Immigration and Customs Enforcement (ICE)

### ICE Drug Control Funding

ICE Drug Control Funding	FY 2005 <sup>34</sup> Requested	FY 2005 <sup>35</sup> Final	FY 2006 <sup>36</sup> Requested	FY 2006 <sup>37</sup> Enacted	FY 2007 <sup>38</sup> Request
AGENCY TOTAL*	\$575.8	\$361.5	\$453.3	\$436.5	\$477.9

\* in millions.

**Contact Information:** ICE Office of Public Affairs: 202-514-2648, <http://www.ice.gov/graphics/index/htm>.

The committee supports the President's request for ICE, which is estimated by ONDCP to include \$477.9 million for drug control operations. This would be an increase of approximately \$42 million over the \$436.5 million enacted for fiscal year 2006. This increase, however, needs to be actually utilized by ICE to fulfill drug control responsibilities and not diverted to other missions.

The committee is concerned about ICE's annual budgetary shortfalls. The ongoing funding shortage has led to serious and continuous operational difficulties in pursuing drug investigations and other critical mission areas for the agency. It is unclear how the proposed 2007 budget will resolve these financial management issues, and allow ICE agents to fully focus on DHS investigations.

#### *Mission Alignment*

The committee is concerned about the evolving missions of ICE within DHS. It is very important that the "front line" officers of CBP and the Border Patrol have a clear and effective relationship with the investigators of ICE. Currently, despite being the largest investigative arm within the Department, it is not evident that ICE has a clearly established role as the lead investigative arm within DHS. Although ICE officials have testified that the agency is responsible for identifying and eliminating vulnerabilities at our Nation's border, there appear to be several bureaucratic obstacles pre-dating the creation of DHS that prevent ICE from effectively and consistently supporting the Department.<sup>39</sup> Specifically, the role of ICE appears to vary in different regions of the country because of non-uniform, out-dated memoranda which have carried over from legacy U.S. Customs Service and U.S. Border Patrol.<sup>40</sup> Currently, some U.S. Border Patrol drug seizures are turned over to the DEA and others are turned over to ICE, depending upon where the seizure occurs along the border. The fact that ICE and CBP are now within the same Department should be reflected in standard management protocols that eliminate circumstantially outdated management techniques. The committee recommends DHS, ICE, CBP and DEA move quickly to establish new protocols and procedures for investigating all seizures at the border, be it illegal immigrants, drugs or other illicit contraband. DHS's campaign to establish "one face at the border" should be broadened to include "one investigator at the border."

#### *Financial Investigations*

As stated in the 2006 National Drug Control Strategy, the lure of making large sums of cash is the main motivation that drives drug trafficking.<sup>41</sup> It is critically important that U.S. law enforcement strategically target and seize moneys and revenue resulting from the



illicit drug trade. This will cause a significant disruption to the supply of illegal drugs entering the U.S. and is a major focus both of DHS, through ICE, and the Department of Justice, through the OCEETF program.

Nationally, ICE financial investigations have resulted in the seizure of more than \$477 million over the past three fiscal years, with \$100 million of that in bulk currency. Since ICE was created in 2003, ICE arrests in financial investigations, including those involving drug smuggling, increased from 1,224 that year to 1,567 in FY 2005. The number of indictments increased from 865 to 932 and the number of convictions increased from 703 to 823. From FY 2003 to FY 2005, ICE agents arrested 260 individuals for bulk cash smuggling alone. In FY 2004, ICE agents seized nearly \$159 million in currency and monetary instruments and executed approximately 1,400 arrests for financial crimes, many directly related to drug smuggling and drug money laundering activities.<sup>42</sup>

ICE has introduced a number of new initiatives aimed at analyzing and combating the movement of illicit funds by bulk cash smuggling, trade-based money laundering, courier hubs, money service businesses, charities, and alternative remittance systems. Some of these initiatives, highlighted in the U.S. Money Laundering Threat Assessment, include the creation of a trade transparency unit, the creation of a foreign political task force, and a multi-agency approach designed to target unlicensed money service businesses that are involved in utilizing money transmitters to wire illicit drug proceeds to recipients in foreign countries.<sup>43</sup>

The committee fully supports the efforts of ICE to coordinate DHS financial investigations. For this reason, it is important that ICE investigators be closely integrated into all drug and money seizures along the border by the U.S. Border Patrol and CBP officers. As Custom and Border Protection's Director of Drug Interdiction, Greg Passic, testified before the Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources, "Nothing is more worthless . . . than a load of dope that doesn't belong to anybody."<sup>44</sup> Investigators are the critical link in establishing connections between random drug seizures at the border and trafficking networks. The committee believes it is vitally important that all CBP seizures along the border be coordinated with ICE investigators.

ICE coordination with OCEETF and DEA investigators is also paramount to a unified, effective strategy to disrupt drug supply revenues. Last year ICE's Deputy Assistant Director, John Torres, testified that ICE does not currently participate in the OCEETF Drug Fusion Center because of pre-existing legal hurdles dealing with immigration and proprietary commercial business relations.<sup>45</sup> The committee fully supports ICE's pending partnership in the OCEETF Drug Fusion Center.<sup>46</sup>

#### *Drug Investigations*

Like the Coast Guard, ICE has struggled to re-balance its counterdrug resources to sustainable levels since the terrorist attacks of September 11, 2001. ICE agents are tasked with conducting investigations of persons and events subject to the administrative and criminal provisions of the Immigration and Nationality Act. Although ICE continues to enforce U.S. drug laws, primarily with a nexus to the border, investigative resources are lacking due to the expanded responsibilities of immigration enforcement.

The role of ICE as the primary criminal immigration enforcement

agency is critical to the nation's national security. ICE has continued to increase its apprehensions of criminal aliens while, at the same time, increasing its seizures of narcotics. In 2003, DHS agents and officers apprehended 1,046,422 aliens. DHS removed 186,151 aliens in FY 2003. This was an increase of approximately 36,067 from FY 2002.<sup>47</sup>

In 2004, DHS agents and officers apprehended an estimated 1,241,098 foreign nationals and removed 88,897 criminal aliens from the United States. Approximately 33,367 or 37.5 percent of the criminal aliens removed in 2004 were for dangerous drugs.<sup>48</sup> In 2003, DHS agents and officers removed 79,395 criminal aliens, an 11 percent increase from FY 2002. Approximately 31,352 or 39 percent of the criminal aliens removed in 2003 were for dangerous drugs.<sup>49</sup>

In FY 2003, ICE completed 82,236 immigration-related criminal investigations, an increase of 3,395 from the previous year.<sup>50</sup>

The committee is very concerned about the apparent downward trend in resources committed to drug investigations due to the increased demand of immigration investigations. The committee recommends that DHS and ICE take the necessary corrective actions to ensure DHS' investigators at ICE have the proper resources to keep drug investigations a top priority at the border.

#### *Program Assessment Rating*

The ICE Office of Investigations received an "adequate" rating in the administration's Performance Assessment Rating Tool (PART) process.<sup>51</sup> The ICE Office of Investigations had 43.8 percent of their cases result in an enforcement consequence (arrest, indictment, conviction, seizure, fine or penalty). The committee hopes that ICE will continue to make progress in its performance measurement system.

#### *6. Customs and Border Protection (CBP)*

CBP Drug Control Funding

CBP Drug Control Funding	FY 2005 <sup>52</sup> Requested	FY 2005 <sup>53</sup> Final	FY 2006 <sup>54</sup> Requested	FY 2006 <sup>55</sup> Enacted	FY 2007 <sup>56</sup> Request
AGENCY TOTAL* .....	\$1,121.4	\$1,429	\$1,510.9	\$1,591	\$1,796.5

\* in millions.

**Contact Information:** CBP Office of Public Affairs: 202-344-1770, <http://www.cbp.gov>.

The committee supports the President's request for \$1.8 billion for counterdrug activities at Customs and Border Protection (CBP), which is a sizeable increase over the \$1.6 billion enacted in fiscal year 2006. That support, however, is conditioned on the expectation that such funds will actually be used for counterdrug purposes. As discussed previously, most of these funds are not actually designated for counterdrug purposes; instead they are merely estimates of how much time and how many resources the three "front-line forces" at CBP—U.S. Border Patrol, Air and Marine Program and Office of Field Operations—will spend on counterdrug activities.

A significant portion of the increase to the drug budget for CBP, \$152 million, is to support the Secure Border Initiative (SBI). The total increase for the SBI initiative, which includes drug and non-drug funding, is \$639 million. Most of the SBI program comes in the

form of new Border Patrol agents, and technology and assets designed for border operations. However, almost all of the Border Patrol's drug seizures occur at checkpoints on the highways behind the ports of entry. In other words, the new assets for Border Patrol aren't primarily intended for the places where Border Patrol agents actually seize drugs. The committee is concerned that the only reason the administration's "drug budget" shows an increase is because of these broad and often inaccurate assumptions regarding drug budget assets and activities. The committee strongly recommends the administration refine its drug budget methodology so that drug control funds will actually be used for drug control purposes.

The Bureau of Customs and Border Protection (CBP) combines the port of entry inspectors of the legacy Customs Service and the Immigration and Naturalization Service, as well as the Department of Agriculture's port of entry inspectors, the U.S. Border Patrol, and the Air and Marine Operations (AMO) division of legacy Customs. The Customs inspectors, AMO aviators and boat operators, and Border Patrol agents are crucial to our drug interdiction and enforcement efforts. The committee is very concerned that drugs remain a priority at CBP as the agency vigorously attempts to "take control of the border."

#### *CBP Air and Marine Operations*

The President's budget includes \$276 million for Operations and Maintenance for CBP's Air and Marine Operations program (CBP Air). It is not clear what percentage of the operations and maintenance budget will be dedicated to support counterdrug missions. The committee is concerned that the administration's proposal will not be sufficient to cover CBP Air's current commitments in the "source" zones of South America, in the transit zones, and along the northern border.

The 2007 proposed budget also includes \$61.3 million for the procurement of 30 small helicopters to support the Secure Border Initiative (SBI).<sup>57</sup> The committee believes that the SBI is a worthwhile effort to control the land borders, but it should not come at the expense of CBP withdrawing from the counterdrug mission. It is unclear how the administration's budget will support the operations, maintenance and upgrades for CBP Air's fleet of P-3 maritime patrol aircraft (MPA). The CBP P-3 aircraft provide essential maritime patrol coverage and as such are crucial to the administration's efforts against drug trafficking in the transit zone. The committee strongly recommends the administration and CBP remain committed to the counterdrug mission and continue to provide and support CBP's drug interdiction aircraft.

Additionally, CBP's Air and Marine Operations Center (AMOC), the agency's primary tracking and monitoring facility located in Riverside, California, remains undermanned and underutilized.<sup>58</sup> With the personnel shortfalls, AMOC managers must selectively choose what radar feeds to monitor, leaving the nation vulnerable in the sectors that AMOC cannot watch. Additionally, with the development of Unmanned Aerial Vehicles (UAV), AMOC can perform an important role in the command, control and coordination for UAV operations within the Department.

In December 2005, CBP stated that all CBP air assets will be tracked by AMOC in the very near future.<sup>59</sup> The AMOC is a unique tool which, if used properly, can provide crucial operational and safety information to all CBP and Department units, especially as

DHS operations intensify along the Southwest Border.

As the statistics below demonstrate, and as discussed previously, CBP Air plays a critical role in providing air detection and interdiction support to drug control programs, both domestically and internationally. The Director of the Joint Interagency Task Force South (JIATF-South) recently emphasized that there continues to be more actionable intelligence available than there are surface and air assets available to respond.<sup>60</sup> As a result, the national drug interdiction community needs more maritime patrol aircraft (MPA) to respond to the growing supply of invaluable intelligence. The committee recommends CBP Air continue to fully support all international and MPA missions in the transit zones to both support JIATF-South’s actionable intelligence and continue to directly promote record cocaine seizures on the high seas.

Customs and Border Protection Maritime Patrol Aircraft On-station Hours

Fiscal Year	Maritime Patrol Aircraft
FY 2001 <sup>61</sup>	1,771
FY 2002	2,367
FY 2003	2,300
FY 2004	4,654
FY 2005 <sup>62</sup>	4,385

The committee has grave concerns about the apparent lack of re-placement or modernization plans for the aging air fleet found within the CBP. It is not clear what steps the program or DHS are taking to ensure continued support to counterdrug missions. We recommend that the Department closely evaluate current agency modernization proposals and submit recommendations to Congress that will maintain critical air capabilities. Without these capabilities, U.S. efforts to combat terrorism and illegal drug movement in the source, transit, and arrival zones, provide law enforcement support, and perform other air security missions would be severely hindered and threaten national security.

*CBP Air and Marine Operations—Reorganization*

Regardless of the status of the proposed ICE and CBP merger, it is critically important to the National Drug Control Strategy that the fixed wing aircraft of the CBP Air program continue to support U.S. and Allied nation interdiction efforts in the transit zones. Fis-

cal year 2005 was another record year of cocaine seizures in the transit zones, and the CBP P-3 aircraft played a critical and necessary role in the detection and monitoring of smuggling vessels and further directing Coast Guard ships and helicopters towards their drug-laden targets.

Last year the committee applauded DHS' efforts to consolidate aviation and marine assets by merging the Border Patrol's air and marine program with the legacy U.S. Customs Service Air and Marine Operations (AMO) program. The merger was intended to help consolidate the operation, training, maintenance, and procurement of these high-value/low density law enforcement assets.

The committee's enthusiasm was misplaced. It appears that the drug interdiction mission has suffered as a result of the merger. The AMO program has historically been responsible for interdicting drug-smuggling airplanes and "go-fast" speed boats, supporting Customs drug investigations and raids (as well as migrant interdictions), providing airspace security in the nation's Capital (and at special events like the Olympics), and for providing critical maritime patrol aircraft, most notably the fleet of P-3 radar planes, for drug interdiction operations in the Caribbean and Eastern Pacific.

Today, however, CBP is attempting to transfer control of most of AMO's operations to individual sector chiefs of the Border Patrol. While the AMO program is responsible for supporting Border Patrol missions, that is only one of its traditional duties. However, despite the diversion of AMO assets from drug interdiction activities, no proposal from CBP has been forthcoming to address or replace the critical aircraft. The committee feels it is unwise for CBP to take such a vital national asset and "regionalize" it. That model did not serve the old Immigration and Naturalization Service (INS) well, and it will not serve DHS or the country well.

To solve this problem, the committee recommends that DHS re-establish AMO with a clearly defined interdiction mission in the transit zone requiring both air support for ICE and CBP, and continuing to provide traditional MPA detection to the international, interagency effort led by JIATF-South. AMO should remain a truly national program, accountable both to the Secretary and to Congress for its crucial missions.

#### *7. U.S. Border Patrol*

There are over 11,000 Border Patrol agents that are assigned the mission of detecting and apprehending any illegal entrants between the ports-of-entry along the United States land borders. These illegal entries include alien and drug smugglers, potential terrorists, wanted criminals, and persons seeking to avoid inspection at the designated ports of entry.

The committee has deep concerns about the level of commitment of all sectors of the Border Patrol to the drug interdiction mission. In many sectors, the Border Patrol appears to be far more focused on illegal migrant interdiction than stopping drug traffickers. Moreover, the Border Patrol's willingness to cooperate with other law enforcement agencies on drug investigations and operations leaves room for improvement. Stopping illegal immigration is certainly a vital mission of the Border Patrol. If, however, the Border Patrol is going to be the primary agency responsible for protecting our nation's land borders, it must take a more active role not only

in conducting its own drug interdiction operations, but in supporting the border-related drug investigations of other agencies as well.

As noted above, former CBP Commissioner Robert Bonner recently said that separating ICE and CBP was like separating the cops “on the beat” from their detectives.<sup>63</sup> Currently, some Border Patrol drug seizures are turned over to the DEA, and others are turned over to ICE. The fact that CBP and ICE are now both within DHS should be reflected in updated procedures and protocols. The current divisions between ICE and the U.S. Border Patrol mean that neither CBP nor ICE, nor any other Federal agency, has a border security strategy for inside and beyond the border.

#### *Shadow Wolves Customs Patrol Officers*

The committee has grave concerns about the status of the last remaining unit of Customs Patrol Officers patrolling the border, the “Shadow Wolves” unit that works on the 76-mile stretch of the Mexico-Arizona border contained in the Tohono O’odham sovereign Indian Nation. The Shadow Wolves are all Native Americans, who combine traditional tracking methods and modern technology to find, follow, and arrest drug traffickers. The Shadow Wolves have historically been one of our nation’s most effective drug enforcement units, seizing over 100,000 pounds of narcotics annually, with only 15 agents.

The Shadow Wolves were a part of the U.S. Customs Service until March 2003, when DHS assigned them to CBP, which in turn placed them under the control of the Border Patrol. Border Patrol management has not been successful, as the missions, priorities, and methods of the two groups are substantially distinct. Only 15 of the 21 Shadow Wolves agents in uniform in 2003 are still active, and there is a serious risk that the rest will retire or move to other employers if the problems are not addressed. The Border Patrol itself has reportedly asked that the unit be transferred to another agency.

The committee agrees that the Shadow Wolves should be moved to another agency within DHS. Two possible new “homes” for the unit are the Office of Air and Marine Operations (AMO) at CBP, or the Office of Investigations at ICE. Both of these units worked very successfully with the Shadow Wolves prior to 2003 (when they were all part of the Customs Service). The committee may pursue legislation to address this problem if DHS is unwilling or unable to take the initiative.

#### *Program Assessment Rating*

The overall CBP drug control program has not been reviewed under the administration’s Program Assessment Rating Tool (PART) process. However, the Office of Border Patrol, found within CBP, received a “Results not Demonstrated” rating from the PART process due to a lack of suitable outcome measures for the agency. A November 2005 GAO report noted that “CBP is developing performance measures related to operational readiness rates (a measure of its ability to respond when requested), but these rates are not specific to transit zones or to counternarcotics activities and do not measure results.”<sup>64</sup> The committee recommends that CBP take prompt action to develop an effective performance management tool for its counterdrug programs.

<sup>1</sup> The White House, National Drug Control Strategy, FY 2005 Budget Summary (Mar. 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited Feb. 24, 2006).

<sup>2</sup> The White House, National Drug Control Strategy, FY 2007 Budget Summary (Feb. 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited Feb. 24, 2006).

<sup>3</sup> The White House, National Drug Control Strategy, FY 2006 Budget Summary (Feb. 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited Feb. 24, 2006).

<sup>4</sup> The White House, National Drug Control Strategy, FY 2007 Budget Summary (Feb. 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited Feb. 24, 2006).

<sup>5</sup> Id.

<sup>6</sup> Press Release, Department of Homeland Security, Secretary Chertoff's Second Stage Re-view (July 13, 2005) (on file with subcommittee). Very few documents were provided to Congress on the Second Stage Review.

<sup>7</sup> Jerry Seper, *Bonner Pitches Merging Agencies*, WASHINGTON TIMES, Dec. 7, 2005 at <http://washingtontimes.com/national/20051206-105109-9990r.htm> (last visited Feb. 24, 2006).

<sup>8</sup> DHS Office of Inspector General Report, OIG-06-04, (Nov. 2005) at <http://www.mipt.org/> (last visited Feb. 24, 2006).

<sup>9</sup> As Acting Assistant Commissioner, Charles E. Stallworth testified, "The backbone of CBP's efforts in support of transit zone interdiction operations is our fleet of aging P-3 aircraft." See *Interrupting Narco-terrorist Threats on the High Seas: Do We Have Enough Wind in Our Sails? Hearing before the House Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform*, 109th Cong. (June 29, 2005) (Statement of Charles E. Stallworth, Assistant Commissioner, Office of Air and Marine Operations, U.S. Customs and Border Protection). At <http://reform.house.gov/CJDPHR/Hearings/EventSingle.aspx?EventID=29727>.

<sup>10</sup> Letter from Mark Souder, chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform to CBP Commissioner Robert Bonner (Nov. 4, 2005) (on file with Subcommittee on Criminal Justice, Drug Policy, and Human Resources).

<sup>11</sup> Letter from Mark Souder, chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, to DHS Secretary Michael Chertoff (Nov. 30, 2005); Letter from Mark Souder, chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, to Acting CBP Commissioner Deborah Spero (Dec. 20, 2005); Letter from Mark Souder, chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform to Acting CBP Commissioner Deborah Spero (Jan. 23, 2006) (on file with Subcommittee on Criminal Justice, Drug Policy, and Human Resources); Letter from Mark Souder, chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform to DHS Secretary Michael Chertoff (Jan. 23, 2006) (on file with Subcommittee on Criminal Justice, Drug Policy, and Human Resources).

<sup>12</sup> Intelligence and Terrorism Prevention Act of 2004, Public Law 108-458, (2004).

<sup>13</sup> DEPARTMENT OF HOMELAND SECURITY, Budget in Brief, FY 2007, (Feb. 2006) at 102.

<sup>14</sup> The White House, National Drug Control Strategy, FY 2005 Budget Summary (Mar. 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited Feb. 24, 2006).

<sup>15</sup> The White House, National Drug Control Strategy, FY 2007 Budget Summary (Feb. 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited Feb. 24, 2006).

<sup>16</sup> The White House, National Drug Control Strategy, FY 2006 Budget Summary (Feb. 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited Feb. 24, 2006).

<sup>17</sup> The White House, National Drug Control Strategy, FY 2007 Budget Summary (Feb. 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited Feb. 24, 2006).

<sup>18</sup> Id.

<sup>19</sup> U.S. COAST GUARD, Budget in Brief, FY 2007, (Feb., 2006) at Appendix B, B-13.

- <sup>20</sup> DEPARTMENT OF HOMELAND SECURITY, Budget in Brief, FY 2007, (Feb. 2006) at 53.
- <sup>21</sup> U.S. COAST GUARD, Budget in Brief, FY 2007, (Feb. 2006) at 19.
- <sup>22</sup> Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources staff budget summary briefing with U.S. Coast Guard officials on Nov. 17, 2005, (on file with Subcommittee on Criminal Justice, Drug Policy, and Human Resources).
- <sup>23</sup> U.S. COAST GUARD, Budget in Brief, FY 2007, (Feb. 2006) at 10.
- <sup>24</sup> *Drug Control: Agencies Need to Plan for Likely Declines in Drug Interdiction Assets, and Develop Better Performance Measures for Transit Zone Operations*, GAO Report No. 06-2000, (Nov. 2005) at 21; The Coast Guard uses these assets to perform a variety of missions, such as interdicting illicit drug shipments and illegal migrants or rescuing mariners at sea.
- <sup>25</sup> Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources staff visit to Cutter GALLATIN (WMEC 721), in Key West, Florida on Jan. 14, 2006.
- <sup>26</sup> U.S. COAST GUARD, Budget in Brief, FY 2007, Feb. 2006, Appendix B, B-12.
- <sup>27</sup> Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources visit to JIATF-South, Key West, Florida, on Jan. 12, 2006.
- <sup>28</sup> Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources staff budget summary briefing with U.S. Coast Guard officials on Nov. 17, 2005; Resource hours committed to the drug interdiction mission include on-station hours spent on detection, monitoring and interdiction operations, and also transit hours needed for assets to get into position to begin operations.
- <sup>29</sup> Statistics provided in letter from Mary Beth Long, Deputy Assistant Secretary of Defense for Counternarcotics to Congressman Mark Souder, chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources (July 13, 2005) (on file with Subcommittee on Criminal Justice, Drug Policy, and Human Resources).
- <sup>30</sup> *Drug Control: Agencies Need to Plan for Likely Declines in Drug Interdiction Assets, and Develop Better Performance Measures for Transit Zone Operations*, GAO REPORT NO. 06-2000, (Nov. 2005) at 15.
- <sup>31</sup> *Drug Control: Agencies Need to Plan for Likely Declines in Drug Interdiction Assets, and Develop Better Performance Measures for Transit Zone Operations*, GAO REPORT NO. 06-2000, (Nov. 2005) at 21.
- <sup>32</sup> Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources staff budget summary briefing with U.S. Coast Guard officials on Nov. 17, 2005.
- <sup>33</sup> *Drug Control: Agencies Need to Plan for Likely Declines in Drug Interdiction Assets, and Develop Better Performance Measures for Transit Zone Operations*, GAO REPORT NO. 06-2000, (Nov. 2005) at 25.
- <sup>34</sup> The White House, National Drug Control Strategy, FY 2005 Budget Summary (Mar. 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited Feb. 24, 2006).
- <sup>35</sup> The White House, National Drug Control Strategy, FY 2007 Budget Summary (Feb. 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited Feb. 24, 2006).
- <sup>36</sup> The White House, National Drug Control Strategy, FY 2006 Budget Summary (Feb. 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited Feb. 24, 2006).
- <sup>37</sup> The White House, National Drug Control Strategy, FY 2007 Budget Summary (Feb. 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited Feb. 24, 2006).
- <sup>38</sup> Id.
- <sup>39</sup> See *Threat Convergence Along the Border: How Does Drug Trafficking Impact Our Borders?* Hearing before the House Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, 109th Cong. (June 14, 2005) (Statement by John P. Torres, Assistant Director, Immigration and Customs Enforcement). At <http://reform.house.gov/CJDPHR/Hearings/EventSingle.aspx?EventID=29024>.
- <sup>40</sup> Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources staff visit to Messina, NY, on Aug. 15, 2005, Detroit, MI, on Aug. 16, 2005, and Bellingham, WA, on Aug. 18, 2005.
- <sup>41</sup> The White House, National Drug Control Strategy, (Feb. 2006) at 32. At <http://www.whitehousedrugpolicy.gov/publications/policy/ndcs06/index.html> (last visited Feb. 24, 2006).



<sup>4 2</sup> For additional information regarding Immigration and Customs Enforcement financial investigations see <http://www.ice.gov/graphics/cornerstone/index.htm> (last visited Feb. 24, 2006).

<sup>4 3</sup> U.S. Money Laundering Threat Assessment, (Dec. 2005) at I. At <http://www.ots.treas.gov/docs/4/480215.pdf> (last visited Feb. 24, 2006).

<sup>4 4</sup> See *Threat Convergence Along the Border: How Does Drug Trafficking Impact Our Borders? Hearing before the House Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform*, 109th Cong. (June 14, 2005) (Statement by Gregory Passic, Director of Drug Interdiction, Custom and Border Protection). At <http://reform.house.gov/CJDPHR/Hearings/EventSingle.aspx?EventID=29024>.

<sup>4 5</sup> See *Threat Convergence Along the Border: How Does Drug Trafficking Impact Our Borders? Hearing before the House Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform*, 109th Cong. (June 14, 2005) (Statement by John P. Torres, Assistant Director, Immigration and Customs Enforcement). At <http://reform.house.gov/CJDPHR/Hearings/EventSingle.aspx?EventID=29024>.

<sup>4 6</sup> Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources staff budget summary briefing with Immigration and Customs Enforcement officials on Dec. 9, 2005.

<sup>4 7</sup> For additional Immigration and Customs Enforcement background information and statistics see <http://uscis.gov/graphics/shared/statistics/yearbook/2003/2003ENE.pdf> (last visited Feb. 24, 2006).

<sup>4 8</sup> Id.

<sup>4 9</sup> Id.

<sup>5 0</sup> Id.

<sup>5 1</sup> The White House, National Drug Control Strategy, FY 2007 Budget Summary (Feb. 2006) at 53.

<sup>5 2</sup> The White House, National Drug Control Strategy, FY 2005 Budget Summary (Mar. 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited Feb. 24, 2006).

<sup>5 3</sup> The White House, National Drug Control Strategy, FY 2007 Budget Summary (Feb. 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited Feb. 24, 2006).

<sup>5 4</sup> The White House, National Drug Control Strategy, FY 2006 Budget Summary (Feb. 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited Feb. 24, 2006).

<sup>5 5</sup> The White House, National Drug Control Strategy, FY 2007 Budget Summary (Feb. 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited Feb. 24, 2006).

<sup>5 6</sup> Id.

<sup>5 7</sup> CUSTOMS AND BORDER PROTECTION, Budget in Brief, FY 2007, (Feb. 2006) at 25.

<sup>5 8</sup> Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources visit to CBP's Air and Marine Operations Center (AMOC), Riverside, CA, on Mar. 29, 2005.

<sup>5 9</sup> Letter from Thaddeus Bingel, Assistant Commissioner, Customs and Border Protection, to Mark Souder, chairman, the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, (Dec. 28, 2005) (on file with Subcommittee on Criminal Justice, Drug Policy, and Human Resources).

<sup>6 0</sup> Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources visit to JIATF-South on Jan. 12, 2006.

<sup>6 1</sup> Statistics provided in letter from Mary Beth Long, Deputy Assistant Secretary of Defense for Counternarcotics, to Congressman Mark Souder, chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources (July 13, 2005) (on file with Subcommittee on Criminal Justice, Drug Policy, and Human Resources).

<sup>6 2</sup> DRUG CONTROL: AGENCIES NEED TO PLAN FOR LIKELY DECLINES IN DRUG INTERDICTION ASSETS, AND DEVELOP BETTER PERFORMANCE MEASURES FOR TRANSIT ZONE OPERATIONS, GAO REPORT NO. 06-2000, (Nov. 2005) at 15.

<sup>6 3</sup> Jerry Seper, *Bonner Pitches Merging Agencies*, WASHINGTON TIMES, Dec. 7, 2005, at <http://washingtontimes.com/national/20051206-105109-9990r.htm> (last visited Feb. 24, 2006).

<sup>6 4</sup> DRUG CONTROL: AGENCIES NEED TO PLAN FOR LIKELY DECLINES IN DRUG

INTERDICTION ASSETS, AND DEVELOP BETTER PERFORMANCE MEASURES FOR  
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